

# House File 297 - Introduced

HOUSE FILE \_\_\_\_\_  
BY WENDT and WHITEAD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the ballots used for voting at the  
2 commissioner's office or at a satellite absentee voting  
3 station.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1453YH 83  
6 sc/nh/8

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1 1 Section 1. Section 49.63, Code 2009, is amended to read as  
1 2 follows:  
1 3 49.63 TIME OF PRINTING == INSPECTION AND CORRECTION.  
1 4 Ballots shall be printed and in the possession of the  
1 5 commissioner in time to enable the commissioner to furnish  
1 6 ballots to absent or early voters as provided by sections  
1 7 53.8, 53.10, and 53.11. The printed ballots shall be subject  
1 8 to the inspection of candidates and their agents. If mistakes  
1 9 are discovered, they shall be corrected without delay, in the  
1 10 manner provided in this chapter.

1 11 Sec. 2. Section 49.72, Code 2009, is amended to read as  
1 12 follows:  
1 13 49.72 ABSENTEE AND EARLY VOTERS DESIGNATED BEFORE POLLING  
1 14 PLACE OPENED.

1 15 The commissioner shall deliver to each precinct election  
1 16 board not less than one hour before the time at which the  
1 17 polls are to open for any election the list of all registered  
1 18 voters of that precinct who have been given or sent an  
1 19 absentee ballot for that election, or who were given a ballot  
1 20 under section 53.10, subsection 1A, and the election board  
1 21 shall immediately designate those registered voters who are so  
1 22 listed and therefore not entitled to vote in person at the  
1 23 polls, as required by section 53.19.

1 24 Sec. 3. Section 53.8, subsection 3, paragraph b, Code  
1 25 2009, is amended to read as follows:

1 26 b. Nothing in this subsection nor in section 53.22 shall  
1 27 be construed to prohibit a registered voter who is a hospital  
1 28 patient or resident of a health care facility, or who  
1 29 anticipates entering a hospital or health care facility before  
1 30 the date of a forthcoming election, from casting ~~an absentee a~~  
1 31 ballot in the manner prescribed by section 53.10 or 53.11.

1 32 Sec. 4. Section 53.10, Code 2009, is amended to read as  
1 33 follows:

1 34 53.10 ~~ABSENTEE~~ EARLY VOTING AT THE COMMISSIONER'S OFFICE.

1 35 1. Not more than forty days before the date of the primary  
2 1 election or the general election, the commissioner shall  
2 2 provide facilities for ~~absentee early~~ voting in person at the  
2 3 commissioner's office. This service shall also be provided  
2 4 for other elections as soon as the ballots are ready, but in  
2 5 no case shall ~~absentee~~ ballots be available more than forty  
2 6 days before an election. The commissioner shall determine  
2 7 whether persons voting early at the commissioner's office or  
2 8 at a satellite absentee voting station pursuant to section  
2 9 53.11 shall vote absentee ballots or shall vote the optical  
2 10 scan ballots that will be used at the polls on election day  
2 11 and tabulated immediately after they are marked by the early  
2 12 voter.

2 13 1A. If the commissioner has made a determination to  
2 14 distribute to early voters the optical scan ballots that will  
2 15 be used at the polls on election day, the county chairperson  
2 16 of each political party shall be notified of the dates, times,  
2 17 and places that early voting shall be conducted pursuant to  
2 18 this section and section 53.11, so that they may appoint  
2 19 observers to be present. The automatic tabulating equipment

2 20 to be used for early voting under this subsection shall be  
2 21 tested pursuant to section 52.35. Votes cast on ballots under  
2 22 this subsection shall be considered votes cast in the absentee  
2 23 ballot and special voters precinct and shall be included in  
2 24 the tabulation record prepared pursuant to section 52.37.

2 25 2. a. Each person who wishes to vote by ~~absentee ballot~~  
2 26 early at the commissioner's office shall first sign an  
2 27 application for a ballot including the following information:  
2 28 name, current address, and the election for which the ballot  
2 29 is requested. The person may report a change of address or  
2 30 other information on the person's voter registration record at  
2 31 that time. ~~The~~ If the commissioner has determined to  
2 32 distribute to early voters the optical scan ballots that will  
2 33 be used at the polls on election day, the registered voter  
2 34 shall subscribe to an affidavit in a form prescribed by the  
2 35 state commissioner of elections before receiving the ballot.

3 1 b. If the registered voter is voting an absentee ballot,  
3 2 the voter shall immediately mark the ballot; enclose the  
3 3 ballot in a secrecy envelope, if necessary, and seal it in an  
3 4 affidavit envelope; subscribe to the affidavit on the reverse  
3 5 side of the envelope; and return the absentee ballot to the  
3 6 commissioner. The commissioner shall record the numbers  
3 7 appearing on the application and affidavit envelope along with  
3 8 the name of the registered voter.

3 9 c. If the registered voter is voting the optical scan  
3 10 ballot that will be used at the polls on election day, the  
3 11 voter shall immediately mark the ballot and enclose it in a  
3 12 secrecy folder. If votes are being tabulated with automatic  
3 13 tabulating equipment that will not permit more than one ballot  
3 14 to be inserted at a time, the voter may insert the ballot into  
3 15 the tabulating device; otherwise, the election official shall  
3 16 place the ballot in the ballot box.

3 17 3. During the hours when ~~absentee ballots are~~ early voting  
3 18 is available in the office of the commissioner, electioneering  
3 19 shall not be allowed within the sight or hearing of voters at  
3 20 the ~~absentee~~ early voting site.

3 21 Sec. 5. Section 53.11, subsections 3 and 4, Code 2009, are  
3 22 amended to read as follows:

3 23 3. Procedures for ~~absentee~~ early voting at satellite  
3 24 absentee voting stations shall be the same as specified in  
3 25 section 53.10 for voting at the commissioner's office.  
3 26 Additional procedures shall be prescribed by rule by the state  
3 27 commissioner.

3 28 4. During the hours when ~~absentee ballots are~~ early voting  
3 29 is available at a satellite absentee voting station,  
3 30 electioneering shall not be allowed within the sight or  
3 31 hearing of voters at the satellite absentee voting station.

3 32 Sec. 6. Section 68A.406, subsection 2, paragraph a,  
3 33 subparagraphs (5) and (6), Code 2009, are amended to read as  
3 34 follows:

3 35 (5) On the premises of or within three hundred feet of any  
4 1 outside door of any building affording access to an ~~absentee~~  
4 2 early voting site during the hours when ~~absentee~~ ballots are  
4 3 available in the office of the county commissioner of  
4 4 elections as provided in section 53.10.

4 5 (6) On the premises of or within three hundred feet of any  
4 6 outside door of any building affording access to a satellite  
4 7 absentee voting station during the hours when ~~absentee~~ ballots  
4 8 are available at the satellite absentee voting station as  
4 9 provided in section 53.11.

4 10 EXPLANATION

4 11 This bill allows the county commissioner of elections to  
4 12 determine whether absentee ballots or the optical scan ballots  
4 13 used on election day shall be distributed to registered voters  
4 14 who are voting at the commissioner's office or at a satellite  
4 15 absentee voting station. If the optical scan ballots used on  
4 16 election day are to be distributed to early voters, the  
4 17 commissioner is required to notify the political parties so  
4 18 that they may provide observers for early voting, to test the  
4 19 tabulating equipment that is to be used for early voting, and  
4 20 to record tabulation of the votes as votes cast in the  
4 21 absentee ballot and special voters precinct.

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